

REMARKS

After entry of the above amendments, the claims pending in the subject application are 1-11, 13-21, and 24-25. Reconsideration of this application based on the Amendments and Remarks presented herein is respectfully requested.

Also submitted is a Supplemental Information Disclosure Statement to cross cite all of the references cited in the present patent family (Serial Nos. 10/642,458; 10/754,065; 10/917,263; and 10/915,125).

CLAIM OBJECTIONS

Claim 18 was objected to for using “hydrophilic” instead of “hydrophobic”. Claim 18 as been amended to use “hydrophobic”.

35 U.S.C. § 103 REJECTIONS

Claims 15-19 and 20-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO01/01939 to Yue *et al.* in view of U.S. Patent Application Publication No. 2003/0129148 to Chen. This rejection is rendered moot with the amendment of claim 15 to include the subject matter of claim 23.

Claims 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO01/01939 to Yue *et al.* in view of U.S. Patent Application Publication No. 2003/0129148 to Chen as applied to claims 15-19 and 20-21 above and further in view of United States Patent No. 5,232,702 to Pfister *et al.*

Pfister '702 discloses a silicone pressure sensitive adhesive that is used in a transdermal drug delivery device. There is no disclosure or suggestion in Pfister '702 to use the silicone pressure sensitive adhesive with a dental tray for adherence to teeth. Yue '939 and Chen '148 do not disclose the selection hydrophobic polymer that is a condensation product of a silicone resin and an organosiloxane. The references lack the motivation to combine all three together to arrive at the claimed article because they do not do so without the need for picking and choosing from among many variables.

In order to anticipate a composition when a reference discloses multiple variables and combinations, the reference must describe the composition with enough detail such that the composition is in the possession of the

public. *In re Brown*, 329 F. 2d 1006, 1011, 141 U.S.P.Q. 245, 249 (C.C.P.A. 1964). Also, the reference must clearly and unequivocally disclose the composition or direct those skilled in the art to the composition without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the reference. *In re Arkley*, 455 F.2d 586, 587, 172 U.S.P.Q. 524, 526 (C.C.P.A. 1972). Additionally, under the obviousness standard, while it may be obvious to try to vary all parameters or try each of numerous possible choices, the reference must suggest the combination and selection of parameters for the composition. *In re O'Farrell*, 853 F.2d 894, 903, 7 U.S.P.Q.2d 1673, 1681 (Fed. Cir. 1988).

There is no disclosure in Yue '939 or Chen '148 to motivate one to select a hydrophobic polymer that is designed for transdermal drug delivery to be used in an application where the polymer is applied to teeth, in particular when Pfister '702 does not suggest the use of the silicone pressure sensitive adhesive in applications outside of transdermal drug delivery. Therefore, it is respectfully submitted that claims 15-21 and 24-25 are patentable over WO01/01939 to Yue *et al.* in view of U.S. Patent Application Publication No. 2003/0129148 to Chen and further in view of United States Patent No. 5,232,702 to Pfister *et al.*

Claims 15-21 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 02/34221 to Lawlor in view of U.S. Patent Application Publication No. 2003/0129148 to Chen. This rejection is rendered moot with the amendment of claim 15 to include the subject matter of claim 23.

Claims 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO02/34221 to Lawlor in view of U.S. Patent Application Publication No. 2003/0129148 to Chen as applied to claims 15-19 and 20-21 above and further in view of United States Patent No. 5,232,702 to Pfister *et al.*

Pfister '702 discloses a silicone pressure sensitive adhesive that is used in a transdermal drug delivery device. There is no disclosure or suggestion in Pfister '702 to use the silicone pressure sensitive adhesive with a dental tray for adherence to teeth. Lawlor '221 and Chen '148 do not disclose the selection hydrophobic polymer that is a condensation product of a silicone resin and an organosiloxane. The references lack the

motivation to combine all three together to arrive at the claimed article because they do not do so without the need for picking and choosing from among many variables. There is no disclosure in Lawlor '221 or Chen '148 to motivate one to select a hydrophobic polymer that is designed for transdermal drug delivery to be used in an application where the polymer is applied to teeth, in particular when Pfister '702 does not suggest the use of the silicone pressure sensitive adhesive in applications outside of transdermal drug delivery. Therefore, it is respectfully submitted that claims 15-21 and 24-25 are patentable over WO02/34221 to Lawlor in view of U.S. Patent Application Publication No. 2003/0129148 to Chen and further in view of United States Patent No. 5,232,702 to Pfister *et al.*

Claims 15-21 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 02/34221 to Lawlor in view of United States Patent No. 6,860,736 to Allred *et al.* This rejection is rendered moot with the amendment of claim 15 to include the subject matter of claim 23.

In view of the amendments and remarks contained above, Applicants respectfully request reconsideration of the application, withdrawal of the 35 USC §103 rejections, rejoinder of claims 1-11, and 13-14, and request that a Formal Notice of Allowance be issued for claims 1-11, 13-21, and 24-25. Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,
Prencepe *et al.*

/Michael F. Morgan/

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